



Minnesota
Department
of Health

PROTECTING, MAINTAINING & IMPROVING THE HEALTH OF ALL MINNESOTANS

January 23, 2017

Mr. Brett Dean Anderson

Re: MDH File Number: OTC17004

Dear Mr. Anderson:

Based on my review of the facts and law in this matter, I have determined that you have failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council in violation of Minnesota Statutes, Section 148.6448, Subdivision 1(2). Therefore, I am suspending your license as an occupational therapy assistant and assessing you a civil penalty in the amount of \$250.66 to reimburse the Department for costs of the investigation. This action is authorized by Minnesota Statutes, section 148.6448, subdivision 3; and section 214.131, subdivision 2.

Upon suspension, you shall cease to practice occupational therapy under Minnesota Statutes, Section 148.6403, Subd.1, or use protected titles under Minnesota Statutes, Section 148.6403, Subdivision 2, and shall cease to represent to the public that you are licensed by the commissioner.

You have the right to challenge this decision in a contested-case hearing as provided under Minnesota Statutes, Chapter 14. Requests for hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request within 30 days of your receipt of this letter to:

Anne Kukowski, Manager, Health Occupations Program
Minnesota Department of Health
85 East Seventh Place, Suite 220, P.O. Box 64882
St. Paul, MN 55101
Fax 651/201-3839

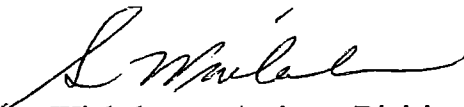
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If you have any questions about this matter, please contact Kevin Reinke at 651/201-5468.

Sincerely,

A handwritten signature in black ink, appearing to read "S Winkelmann", with a long horizontal flourish extending to the right.

Susan Winkelmann, Assistant Division Director
Health Regulations Division

cc: Anne Kukowski, Manager, Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

*Effective
2/28/2017*

**A Determination In the Matter of
Brett Dean Anderson
Occupational Therapy Assistant Practitioner**

AUTHORITY

1. The Minnesota Department of Health (MDH) has authority to discipline occupational therapy practitioners for violations of law under Minnesota Statutes, section 214.131, subdivision 2, and Minnesota Statutes, section 148.6448, subdivision 3. The types of discipline MDH may impose include public reprimands, the assessment of civil penalties, suspension, and revocation of licenses pursuant to Minnesota Statutes, Section 13.41, disciplinary actions are public data.
2. Minnesota Statutes, 148.6448, Subdivision 1(10) requires a licensee to cooperate with the commissioner or advisory council in an investigation conducted according to Minnesota Statutes, 148.6448, Subdivision 2.
3. A determination that a licensee has failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council by Minnesota Statutes, Section 148.6448, subdivision 1(2) is ground for disciplinary action by the commissioner.

FINDINGS OF FACT

1. Brett Dean Anderson (hereinafter Practitioner) has been a registered and licensed Occupational Therapy Assistant (OTA) since January 9, 2007. His license has been lapsed since November 30, 2016.
2. On August 15, 2016, the Department received a written complaint against Practitioner alleging that he was terminated from his employment on August 9, 2016 for
at his place of employment and while working as an Occupational Therapy Assistant.
3. By letter dated August 18, 2016, the Department requested Practitioner respond to the allegations by September 19, 2016. The Department sent a letter by certified mail to Practitioner at his address on file with the Department at 1

4. On September 19, 2016, Practitioner returned the Department's letter but failed to respond to the allegations documented in the letter. Practitioner's only response was to note on the Department's letter that his employer's address be corrected.
5. By letter dated September 20, 2016, the Department asked Practitioner to respond to the allegations and requested a response no later than October 18, 2016. Practitioner did not respond.
6. By letter dated November 3, 2016, the Department asked Practitioner to respond to the allegations, again notifying Practitioner at Minnesota, that the Department had received a written complaint against him alleging that he was terminated from his employment on August 9, 2016 for while working as an Occupational Therapy Assistant. The Department gave Practitioner a third deadline of December 2, 2016 to respond.
7. As of December 30, 2016, the Department has not received a response, either written or verbal, from Practitioner to the Department's inquiries dated August 18, 2016, September 20, 2016, and November 3, 2016.

CONCLUSION

3. Practitioner failed, within 30 days, to respond to the Department's written request for information, which is ground for discipline under Minnesota Statutes, Section 148.6448, Subdivision 1(2) and 1(10) when he failed to cooperate with the commissioner in an investigation conducted under Minnesota Statutes, 148.6448, Subdivision 2.

DETERMINATION

1. Practitioner's right to provide services and hold title as an occupational therapy assistant is suspended until Practitioner satisfactorily responds to MDH requests.
2. The suspension of Practitioner's license may be lifted by the commissioner upon his responding to the Department's inquiries dated August 18, 2016, September 20, 2016, and November 3, 2016 and cooperating with the Department in its investigation regarding the complaint received against Practitioner.

3. Upon Practitioner's cooperation with the Department, he may apply to renew his license pursuant to the requirements of Minnesota Statutes, 148.6423 and 148.6425 for renewing licensure and any other conditions imposed with the suspension must be met before licensure may be reinstated.
4. Practitioner shall pay a civil penalty of \$250.66 to reimburse the Department for costs of investigation and proceedings to date.
 - a. The payment must be made by check or money order payable to "State of Minnesota Treasurer" and mailed to: Investigation and Enforcement Unit, Health Occupations Program, MDH, PO Box 64882, Saint Paul, MN 55164-0882.
 - b. Before a debt becomes 121 days past due, MDH may refer the debt to the commissioner for collection at any time after a debt becomes delinquent and uncontested and the debtor has no further administrative appeal of the amount of the debt. When a debt owed to MDH becomes 121 days past due, MDH must refer the debt to the commissioner for collection. MDH may file and enforce the penalty as a judgment without further notice or additional proceedings under Minnesota Statutes, section 16D.17.

This document has been redacted
to protect personal data.